

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
XUEJIE HE,

Plaintiff,

-against-

OFFICE OF THE NEW YORK CITY COMPTROLLER,

Defendant.
----- X

**NOTICE OF MOTION TO
DISMISS**

No. 18 CV 7806 (RA)

PLEASE TAKE NOTICE that, upon the accompanying Defendant Office of the New York City Comptroller’s Memorandum of Law in Support of Its Motion to Dismiss, dated August 27, 2019, and upon all other papers and proceedings had herein, Defendant Office of the New York City Comptroller (“the Comptroller” or “the Comptroller’s Office”), by its attorney, Zachary W. Carter, Corporation Counsel of the City of New York, will move this Court before the Honorable Ronnie Abrams of the United States District Court for the Southern District of New York at the United States Courthouse located at 40 Foley Square, in New York, New York, on a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the claim against the Comptroller’s Office in its entirety for failure to state a claim upon which relief may be granted, and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Section 4.A. of the Special Rules & Practices in Civil *Pro Se* Cases of the Honorable Ronnie Abrams, Plaintiff’s opposing affidavits and answering memoranda, if any, shall be served upon Defendant within four weeks of service of these motion papers, and Defendant’s reply affidavits and memoranda of law, if any, shall be served within two weeks of receipt of Plaintiff’s opposition papers.

Dated: August 27, 2019
New York, New York

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for Defendant
100 Church Street, Room 2-168
New York, NY 10007
Phone: (212) 356-0877
Fax: (212) 356-1148
E-mail: ryogiave@law.nyc.gov

By: /s/ Rosemary C. Yogiaveetil
ROSEMARY C. YOGIAVEETIL
Assistant Corporation Counsel

To: ***Via First Class Mail***
Xuejie He
40 Ann Street
New York, NY 10038
Plaintiff Pro Se